

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Authority to Implement Default CPP Rate Options For Large Customers.	Application 05-01-016 (Filed January 20, 2005)
Application of San Diego Gas & Electric Company (U902-E) for Adoption of a 2005 Default Critical Peak Pricing Structure for Commercial and Industrial Customers with Peak Demands Exceeding 300 kW.	Application 05-01-017 (Filed January 20, 2005)
Southern California Edison Company's (U338-E) Application for Approval of Rate Design Proposals for Large Customers.	Application 05-01-018 (Filed January 20, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING PREHEARING CONFERENCE AND
ADDRESSING PROCEDURAL ISSUES**

1. Background

The instant applications by Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E) were filed in response to the December 8, 2004 Ruling by Assigned Commissioner Peevey and I in Rulemaking (R.) 02-06-001. That ruling stated:

We believe the time is now to consider adoption of a new default rate (or rates), tailored to customers with demand over 200 kW, that provides a critical peak price signal distinct from the generic peak period. We direct PG&E, SCE, and SDG&E to file applications by January 20, 2005, for implementation by June 1, 2005, that propose new rate schedules for all customers over 200 kW that provide strong peak demand signals... The proposed tariffs should be

designed to recover the total revenue, including transmission and distribution charges, currently allocated to customers 200 kW and larger and be class revenue neutral, compared to existing rates, based on current class load patterns. (Ruling pp. 2-3.)

Each utility proposes a somewhat different approach to complying with the Ruling, but because of the similarity of issues raised by each application, we will handle them in a consolidated manner. In addition, because of the rapid schedule this proceeding will require to allow for implementation of rates in June, we will forgo the protest period and move straight to parties' testimony.

2. Service List

The utilities all served their applications on R.02-06-001. In addition, some of the utilities served copies on other relevant service lists. Because we will not hold a prehearing conference (PHC) until after the testimony is due, we must establish a new service list through a non-traditional method, which I set forth in this ruling. If you wish to be on the service list for this proceeding, you must electronically notify myself (mlc@cpuc.ca.gov) AND the Commission's Process Office (process_office@cpuc.ca.gov) no later than close of business on February 7, 2005. In your electronic communication you must include the following information: Proceeding Numbers (A.05-01-016 et al.), your name, who you represent, address, phone number, electronic address, and the service list status you seek (Interested Party/Appearance, State Service, or Information Only). If you seek Interested Party/Appearance Status you must also explain your plan to actively participate in the proceeding through presentation of testimony, cross examination, or submission of briefs.

Persons seeking to become an Interested Party/Appearance in this proceeding who demonstrate a plan to actively participate in the proceeding through presentation of testimony, cross examination, or submission of briefs,

will be granted Interested Party status. Interested Parties shall be served with all documents parties submit in connection with this proceeding.

Persons employed by the State of California will be placed on the State Service list. All of the names appearing on the state service list shall be served with any documents parties may submit in connection with this proceeding.

Persons seeking only notice of hearings, rulings, proposed decisions, and decisions issued by this Commission or who simply wish to monitor this proceeding but do not intend to actively participate should seek Information Only status. Parties receiving Information Only status receive all materials in the case electronically, provided they have supplied their email address to the Commission.

The official service list will be posted on the Commission's web site, www.cpuc.ca.gov, as soon as practicable, and prior to the due date for testimony. Until a new service list exists, any document related to this proceeding should be served on the service list to R.02-06-001.

3. Prehearing Conference

The Commission will hold a PHC at 10:00 a.m. on Thursday, February 24, 2005, in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California. Because the scope of this case is clear, at the PHC, I intend to address procedural issues for this case, take additional appearances in order to add to the service list. At the prehearing conference we will identify all known exhibits, and establish an order and schedule for the hearings. If there are any motions to strike written testimony, I will hear arguments on them at the PHC.

4. Schedule

Discovery responses should be provided as promptly as possible given the accelerated schedule in this case. I previously provided an electronic version of the table below to the service list of R.02-06-001. There is one change to the schedule I previously circulated which is to add February 25, 2005 as an additional evidentiary hearing day in order to accommodate a conflict by PG&E witness Mayers. We will thus start the evidentiary hearings with PG&E's application. In addition, I have added a deadline by which Requests for Party Status and Motions to Strike are due. In order to have a decision available for Commission action in April, we will shorten the comment period on the Proposed Decision. The Assigned Commissioner and I may make other adjustments to the schedule if needed, but this will serve as the preliminary schedule.

Event	Date
Applications Filed	January 20, 2005
Request for Party Status/Information Only Due	February 7, 2005
Opening Testimony Served	February 15, 2005
Rebuttal Testimony Served	February 22, 2005
Motions to Strike Prepared Testimony Due	February 23, 2005
Prehearing Conference	February 24, 2005
Evidentiary Hearings	February 25- March 4, 2005
Opening Briefs	March 14, 2005
Reply Briefs	March 21, 2005
ALJ Proposed Decision (shortened comment time)	March 28, 2005
Commission Decision	April 21, 2005
Implementation of New Rates	June 1, 2005

5. Filing and Service of Documents

All formally filed documents must be filed in hard copy with the Commission's docket office. In order to ensure timely delivery of documents and conserve resources, we will follow the electronic service protocols adopted by the

Commission in D.04-12-057 which only requires service of documents to be performed electronically, unless the appearance or state service list member did not provide an email address. If no email address was provided, service should be made by United States mail. Parties should provide concurrent e-mail service to ALL persons on the service list, including those listed under “Information Only.” Any document that is filed MUST also be served electronically.

6. Procedural Ground Rules

The ground rules set forth in Appendix A are intended to promote fair and orderly hearings and efficient use of hearing time, and are hereby adopted for this proceeding.

IT IS RULED that:

1. Application (A.) 05-01-016, A.05-01-017, and A.05-01-018 are consolidated.
2. If you wish to be on the service list for this proceeding, you must electronically notify Administrative Law Judge Michelle Cooke (mlc@cpuc.ca.gov) and the Commission’s Process Office (process_office@cpuc.ca.gov) no later than close of business on February 7, 2005. Your communication you must include the following information: Proceeding Numbers (A.05-01-016 et al), your name, who you represent, address, phone number, electronic address, and the service list status you seek (Interested Party/Appearence, State Service, or Information Only). If you seek Interested Party/Appearence Status you must also explain your plan to actively participate in the proceeding through presentation of testimony, cross examination, or submission of briefs.
3. A prehearing conference will be held on February 24, 2005.
4. Evidentiary hearings will begin on February 25, 2005.
5. Parties shall follow the ground rules set forth in Appendix A to facilitate efficient use of the hearings.

6. Until the Assigned Commissioner issues a scoping memo, the *ex parte* rules as set forth in Rule 7(c) of the Commission's Rules of Practice and Procedure apply to this proceeding.

Dated February 1, 2005, at San Francisco, California.

/s/ MICHELLE COOKE

Michelle Cooke
Administrative Law Judge

APPENDIX A

PROCEDURAL GROUND RULES

Exhibit Format

See Rule 70 of the Rules of Practice and Procedure. Parties often fail to include a blank space two inches high by four inches wide to accommodate the ALJ's exhibit stamp. If necessary, add a cover sheet to the front of the exhibit. The common practice of pre-printing the docket number, a blank line for the exhibit number, and witness names(s) is acceptable, but it is not a substitute for the required two by four inch blank space to accommodate the exhibit stamp.

Exhibits should be bound on the left side or upper left-hand corner. Rubber bands and paper clips are unacceptable.

Excerpts from lengthy documents should include the title page and, if necessary for context, the table of contents of the document.

While Rule 2 permits a type size of no smaller than 10 points in filed documents, parties are asked to use a type face of no smaller than 12 points wherever practicable.

Exhibit Copies

See Rule 71. The original and one copy of each exhibit shall be furnished to the principal hearing officer and a copy shall be furnished to the reporter and to each party. The copy furnished to the principal hearing officer may be the mailed copy. Except for exhibits that are served prior to the hearing, parties are responsible for having sufficient copies available in the hearing room for each party in attendance.

Cross-Examination Exhibits

Providing witnesses time to review new or unfamiliar documents can waste hearing time. The general rule is that a party who intends to introduce an exhibit in the course of cross-examination should provide a copy to the witness and the witness' counsel before the witness takes the stand on the day the exhibit is to be introduced. Documents in excess of two pages should be provided the day before. Generally, parties need not provide advance copies of documents to be used for impeachment or to obtain the witness' spontaneous reaction.

Corrections

The practice of making extensive oral corrections to exhibits on the witness stand, requiring lengthy dictation exercises, causes delays. It should be avoided to the extent possible, through preparation of written errata. Corrections should be made in a timely manner by providing new exhibit pages on which corrections appear. The original text to be deleted should be lined out with the substitute or added text shown above or inserted. Each correction page should be marked with the word "revised" and the revision date. Exhibit corrections will receive the same number as the original exhibit plus a letter to identify the correction. For example, Exhibit 5-A is the first correction to Exhibit 5.

Hearing Hours

Hearings will generally run from 9:00 a.m. to 12:00 a.m. with at least one morning break and from 1:30 p.m. to 3:30 p.m. with one afternoon break.

Cross Examination Time

Parties are placed on notice that it may be necessary to limit and allocate cross-examination time as well as time for redirect and recross-examination.

Rebuttal Testimony

Prepared rebuttal testimony should include appropriate references to the testimony being rebutted. It is inappropriate, and a potential grounds for

striking, for any party to hold back direct presentations for introduction in rebuttal testimony.

Court Reporters

Common courtesy should always be extended to the reporters. Counsel should wait for witnesses to finish their answers, and witnesses should likewise wait for the whole question to be asked before answering. Counsel shall refrain from simultaneous arguments on motions and objections. Conversations at the counsel table or in the audience can be distracting to the reporter and other participants. Such distractions should be avoided.

(END OF ATTACHMENT A)

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Prehearing Conference and Addressing Procedural Issues on all parties of record in this proceeding or their attorneys of record.

Dated February 1, 2005, at San Francisco, California.

/s/ ERLINDA PULMANO
Erlinda Pulmano

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.